

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**July 30, 2010**

DIVISION ONE

B215179      Silguero      (Certified for Partial Publication)  
v.  
Creteguard, Inc., et al.

The judgment as to defendants Creteguard, Inc., Vaporgauge, Inc., Thomas Nucum, and Theodore Nucum is reversed and on remand the trial court is directed to overrule their demurrer to the 10th cause of action and to sustain without leave to amend their demurrer to the 11th cause of action of the second amended complaint. The appeal from the order awarding attorney fees and costs is dismissed. Plaintiff Rosemary Silguero is entitled to costs on appeal.

Mallano, P.J.

We concur: Chaney, J.  
Johnson, J.

B220131      Livermore      (Not for Publication)  
v.  
County of Los Angeles

The judgment is reversed and on remand the trial court is directed to deny the County of Los Angeles's motion for summary judgment. Livermore is entitled to costs on appeal.

Mallano, P.J.

We concur:   Rothschild, J.  
                      Johnson, J.

## DIVISION ONE (continued)

B214860 Donegan (Not for Publication)  
v.  
CFHS Holdings, Inc., et al.

The orders and judgments are affirmed.

Mallano, P.J.

We concur: Chaney, J.  
Johnson, J.

B215897      Isaian    (Not for Publication)  
v.  
Madadian, et al.

The order is affirmed in part and reversed in part. The order is reversed only to the extent it denies Appellant's motion for attorney fees on MEI's breach of contract cause of action. The case is remanded so the trial court can determine the amount of attorney fees to be awarded to Appellant for litigation of that sole contract claim. In all other respects, the order is affirmed. The parties are to bear their own costs and attorney fees on appeal.

Chaney, J.

We concur:   Rothschild, Acting P.J.  
                      Johnson, J.

B215357      Innovay, Inc., et al.      (Not for Publication)  
v.  
The Hartford Casualty Insurance Company

The judgment is affirmed. Respondent is entitled to recover costs.

Chaney, J.

We concur:   Mallano, P.J.  
                      Johnson, J.

## DIVISION ONE (continued)

B222536      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
A.H. and Y.P.

The order terminating Mother's and Father's parental rights to the twins is reversed. On remand, the juvenile court is directed to conduct a limited remand restricted to ordering DCFS to comply with the notice provisions of the ICWA. If after proper inquiry and notice no tribe indicates the twins are Indian children within the meaning of the ICWA, the juvenile court shall reinstate its order terminating Mother and Father's parental rights. If a tribe determines the twins are Indian children, the juvenile court shall conduct a new permanency planning hearing in conformity with all federal and California ICWA provisions.

Chaney, J.

We concur:   Rothschild, Acting P.J.  
                      Johnson, J.

B219502 Prince (Not for Publication)  
v.  
Icken Films, Inc.

The judgment and order denying the motion to strike or tax costs are affirmed. Respondent is entitled to recover costs on appeal.

Chaney, J.

We concur:   Mallano, P.J.  
                      Johnson, J.

DIVISION ONE (continued)

B218019      Sands & Associates                      (Not for Publication)  
                 v.  
                 Juknavorian

The order and judgment is affirmed.

Mallano, P.J.

We concur:    Rothschild, J.  
                 Chaney, J.

B217607      Bell-Kraus    (Not for Publication)  
                 v.  
                 Bell

The orders are affirmed. Respondent shall recover her costs of appeal.

Rothschild, J.

We concur:    Mallano, P.J.  
                 Chaney, J.

B216071      People    (Not for Publication)  
                 v.  
                 Escalante

The judgment is affirmed.

Rothschild, J.

We concur:    Mallano, P.J.  
                 Chaney, J.

## DIVISION ONE (continued)

B205374 People  
v.  
Flint

Filed order modifying opinion. Petition for rehearing is denied. (Change in judgment)

### DIVISION THREE

[illegible]

The judgment is modified to reflect that the sentences on counts 2 and 4 are stayed pursuant to Penal Code section 654. The clerk of the superior court is directed to prepare a corrected minute order and a corrected abstract of judgment and forward them to the Department of Corrections. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.  
Kitching, J.

## DIVISION FOUR

B215506 Reichelt (Not for Publication)  
v.  
Slotnik

The judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.  
Suzukawa, J.

July 30, 2010 (Continued)

## DIVISION FOUR (continued)

[illegible]

The judgment is affirmed. Respondent shall have his costs on appeal.

Manella, J.

We concur: Willhite, Acting P.J.  
Suzukawa, J.

**DIVISION SIX**

B220626      People  
v.  
Borrell

Filed order vacating dismissal, filed June 30, 2010, and reinstating appeal filed November 20, 2009. Appellant's motion for relief from default, filed July 15, 2010, and permission to file appellant's opening brief granted. Respondent's brief is due within 30 days from this date.

## DIVISION EIGHT

Court convened at 9:00 a.m.

Present: Bigelow, P.J., Rubin, J., Flier, J., and John P. Lepo, Deputy Clerk.

B218940      Riopharm USA, Inc.  
v.  
Forte

Merits:  
Argued by Jeffrey E. Lieber for respondent and by Stephen L. Jones for appellant. Cause submitted.

Grimes, J. assumes the bench.

DIVISION EIGHT (continued)

B218940      Resendez  
                 v.  
                 City of Los Angeles, et al.

Merits:  
Argued by Lawrence J. Hanna for respondent and by Claudia McGee Henry, Deputy City Attorney, for appellants. Cause submitted.

B209858      Altman  
                 v.  
                 Azrilyan and Katz

Merits:  
Argued by David S. Fisher for respondent Azrilyan. No appearance for appellant Altman or for respondent Katz. Cause submitted.

Grimes, J. leaves the bench.

B225508      The People  
                 v.  
                 Superior Court, Los Angeles County  
                 (Valadez and Uribe)

Merits:  
Argued by Roberta Schwartz, Deputy District Attorney for petitioner; by Jerry Fernandez for real party in interest Valadez and by Alberto Camacho for real party in interest Uribe. Cause submitted.

Grimes, J. returns to the bench.

Bigelow, P.J. leaves the bench.

DIVISION EIGHT (continued)

B215775     Doe 1  
              v.  
              Franciscan Friars of California, Inc, et al.  
              Samuel C. Cabot

Merits:

Argued by Timothy C. Hale for respondent; by Brian P. Brosnahan for appellants Franciscan Friars, et al. and by Robert G. Howie for appellant Cabot. Cause submitted.

B211873     Vertullo  
              v.  
              L.A. Cars Warehouse, et al.

Matter continued to August 27, 2010 at 9:00 a.m.

Court recessed.

Court reconvened at 10:30 a.m.

Present: Bigelow, P.J., Rubin, J., Flier, J., Grimes, J. and John P. Lepo, Deputy Clerk.

B218863     People  
              v.  
              Runyan

Merits:

Argued by Shira B. Seigle, Deputy Attorney General for respondent and by Jason A. Lieber for appellant. Cause submitted.

B223608     People  
              v.  
              Bitz

Merits:

Argued by Richard L. Fitzer for appellant. Argument waived by respondent. Cause submitted.



DIVISION EIGHT (continued)

Grimes, J. leaves the bench.

B215679     People  
              v.  
              Bowers and Johnson

Merits:

Argued by Carl N. Henry, Deputy Attorney General for respondent and by Maxine Weksler for appellant Johnson. Oral argument waived by appellant Bowers. Cause submitted.

Grimes, J. returns to the bench.

Flier, J. leaves the bench.

B215819     Weinberger  
              v.  
              Bruget  
              Financial Freedom Senior Funding Corp.

Merits:

Argued by Daniel J. Sweeney for appellant; by Brandon C. Murphy for respondent Morris; by Chris D. Greinke for respondent Financial Freedom Senior Funding Corporation and by Dale VanCamp for respondent Bruget. Cause submitted.

Each of the following:

B219020 People v. Cardenas  
B215586 People v. Briceno  
B214392 People v. Garcia  
B217899 People v. Henson  
B214190 People v. Love  
B220539 People v. Montgomery  
B220547 People v. Rios

Argument waived, cause submitted.

July 30, 2010 (Continued)

DIVISION EIGHT (continued)

B219449     Smith  
              v.  
              U.S. Bank National Assn.

Matter continued to August 27, 2010 at 9:00 a.m.

B216752     People  
              v.  
              Preston and Carillo

Matter continued to August 27, 2010 at 10:30 a.m.

Each of the following:

B189898 McCann, et al. v. Wheeler  
B217067 Ronald P. Slates APC v. Gorabi, et al.

Matter continued to August 27, 2010 at 1:00 p.m.

Court recessed.

Court reconvened at 1:00 p.m.

Present: Rubin, Acting P.J., Flier, J., Grimes, J. and John P. Lepo, Deputy Clerk.

B205446     People  
              v.  
              Brinkley

Merits:  
Argued by Stephanie C. Brennan, Deputy Attorney General for respondent  
and by Jean Matulis for appellant. Cause submitted.

Court adjourned.

DIVISION EIGHT (continued)

B213596      John Russell, et al.                      (Not for Publication)  
                 v.  
                 Ford Motor Company

The jury's liability and damages findings are affirmed. The judgment is vacated and the cause remanded to the trial court with directions to allow Ford's counsel to review the relevant terms of the settlement agreement and upon further argument by the parties and due consideration, a new judgment shall be entered. Each party to bear their own costs on appeal.

Bigelow, P.J.

We concur:    Flier, J.  
                     Grimes, J.

B217407      People  
                 v.  
                 David Peterson

Filed order denying petition for rehearing. Grimes, J. would grant rehearing.